

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

***In re HERAEUS KULZER GMBH,
Petitioner, For an Order Pursuant to
28 U.S.C. § 1782 to Take Discovery,
Pursuant to the Federal Rules of Civil
Procedure, of Respondent Esschem, Inc.,
For Use in Foreign Proceedings***

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NO. 09-MC-00017

ORDER

AND NOW, this 11th day of September, 2009, upon consideration of the Order of this Court authorizing Heraeus Kulzer GmbH (“Heraeus”) to take discovery in this district pursuant to 28 U.S.C. § 1782 [Doc. No. 3], the Motion to Quash of Respondent Esschem, Inc. [Doc. No. 5], Heraeus’s Response [Doc. No. 7], and all replies thereto, as well as the oral argument held thereon on August 17, 2009, it is hereby **ORDERED** that the Motion is **GRANTED**, and the Order of this Court authorizing Heraeus to take discovery in this district pursuant to 28 U.S.C. § 1782 is **VACATED without prejudice** to Heraeus’s ability to re-file in the future.

The Clerk of Court is directed to **CLOSE** this case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.